IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 7TH AUGUST 2006 / 16TH SRAVANA 1928

Bail Appl..No. 4778 of 2006

CC.3497/2001 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME NO.421/2000 OF CENTRAL POLICE STATION, ERNAKULAM

.....

PETITIONER/3RD ACCUSED:

JIBU. P. THOMAS, ADVOCATE,
RESIDING AT PUTHENPURACKAL VEETTIL,
WARD NO.12, PALOORKARA, PIRAVAM VILLAGE,
MUVATTUPUZHA.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.SREEKANTH.K.R
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:

---

1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGHCOURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4778/2006

DATED THIS THE 7TH DAY OF AUGUST, 2006

O R D E R

The petitioner, Jibu P.Thomas, is a lawyer practicing in the High Court of Kerala, under Advocate Mr.V.Chitambaresh. The learned counsel, V.Chitambaresh, submitted that his colleague is a K.S.U worker, and accused in crime No.421/2000 of Central Police Station, Ernakulam, for the offence punishable under Sections 143, 147, 148 and 332 IPC read with Section 149 IPC. The counsel however, submitted that the petitioner, the third accused, used to be either present during the proceedings before the Court below or was always represented. However, relying on the proceedings paper dated 19.7.2006, in C.C.No.3497/2001 of the Chief Judicial Magistrate Court, Ernakulam, submitted that the petitioner, third accused, was absent on that day and there was no representation either, on behalf of him. The submission of the learned counsel is that he could not reach the Court on that particular date and the date was also not noted properly.

2. During the hearing it is brought out that accused Nos. 5, 7, 10 and 12 were absent even on earlier dates. The counsel therefore, submitted that absence of the third accused, petitioner herein, may not be counted along with the other accused, who are more or less absent on other posting dates as well.

3. I fully agree with the arguments advanced by the learned Public Prosecutor that the petitioner, being an advocate, has got no exemption in appearing in any of the courts under the law, nor is he having any preferential treatment. Nevertheless, considering the submissions that he could not be present on that particular date, and accepting readiness to be present on all the posting dates, for the rest of the proceedings, I direct him to appear before the Chief Judicial Magistrate Court, Ernakulam, on 11.8.2006 at 11.00 a.m., and the learned Magistrate shall allow him to be on bail, imposing such conditions, as are deemed fit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs